



**FOR GOVERNMENT ELECTIONS AND ADMINISTRATION COMMITTEE
PUBLIC HEARING TESTIMONY OF RIVERS ALLIANCE OF CONNECTICUT
February 15, 2017**

To: Chairmen Sen. Michael McLaughlin, Sen. Gary Winfield, and Rep. Daniel Fox
And Honorable Members of the Committee:

Rivers Alliance of Connecticut is a statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many watershed groups, and providing education on water stewardship.

Thank you for the opportunity to submit testimony at this public hearing. I see, the bills on the agenda, a strong effort to promote good government. I have brief comments on the following three bills.

194 AAC State Agency Response to Requests for a Permit. Our experience has been mostly with the Department of Environmental Protection (DEEP) and sometimes with Department of Public Health (DPH) and other agencies. Definitely, an applicant requesting a permit should get a response of some sort by 60 days or sooner. In the case of a long silence, I believe that the problem is better addressed in ways other than by statute. Sometimes, a person may think that a communication is a "request for a permit," but the agency person thinks it is a question that has been answered by a telephone call or some other interaction. Or perhaps the request should have gone to another department, but never got to the right person, sometimes because that person has been out on sick leave or has left and there is no one else in that office. Turning to a statute may not expedite matters. People will argue over the definitions of "request" and "response." Even if the statute is clearly violated, there is no ready enforcement. One non-statutory remedy would be to call the Council on Environmental Quality (860-424-4000, no extension needed, only two people there). CEQ is charged to hear citizens' complaints and can be very helpful in dealings with DEEP. Of course, some applicants go to their legislators for help. As for permits relating to water matters, DEEP has greatly expedited their processing in recent years.

5087 AA Permitting the Suspension of Administrative Penalties Imposed on Certain Business Entities. We urge the Committee to reject this bill. We agree with and support the testimony prepared by Connecticut Fund for the Environment/Safe the Sound on this bill. The bill represents a serious rollback of

environmental protections, despite making provisions for flagrant or harmful violations. With respect to water, including groundwater, the enforcement function of DEEP is already extremely weak, and DPH lacks statutory authority to enforce many of the standards that it considers important for drinking water. In environmental enforcement, Connecticut ranks very low nationally. The most obvious problem at DEEP is not excessive severity with first-time offenders, but years and often decades of delay in dealing with polluters and other violators threatening human and ecological health. When settlements are finally negotiated, they often fall short of true cleanup or correction. One reason for these failings is that the agency lacks the staff and funding to deal promptly and effectively with non-compliance.

6151 AA Permitting Businesses to Seek a Declaratory Ruling Regarding Regulations. We urge the Committee to reject this bill. Again, we refer you to Connecticut Fund for the Environment/Save the Sound for a legal analysis. Rivers Alliance, in the company of other organizations, has from time to time keenly wished for a declaratory ruling from the Attorney General on regulatory matters. It is our understanding that such requests can only come from a government entity, and that the AG's office has almost no time to work on declaratory rulings. Moreover, such a ruling may be judged to be not in the public interest nor in the interest of the AG's client, the state. This bill would additionally burden the state without any guarantee that the outcome would please the business having a "bona fide" dispute with a state agency (or even would please a business having a "mala fide" dispute with an agency).

Thank you for your consideration and thoughtful work. We would be pleased to discuss these matters further, and I apologize for not attending the hearing.

Margaret Miner, Executive Director, 203-788-5161 rivers@riversalliance.org